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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EVERGREEN SAFETY COUNCIL, a Washington nonprofit corporation)
v.)
RSA NETWORK, INC., a dba for Starfish Network, Inc., a Utah corporation,)
Defendants.)
Plaintiff,)
No. 2:09-cv-1643
DECLARATION OF TOM ODEGAARD IN SUPPORT OF EVERGREEN SAFETY COUNCIL'S RESPONSE TO RSA'S MOTION FOR RECONSIDERATION

I, TOM ODEGAARD, declare as follows:

1. I am authorized to make this declaration and make it based upon my personal knowledge or where indicated information.
2. I am the president and executive director of the Evergreen Safety Council (Evergreen). I submit this declaration in support of the Safety Council, Inc.'s response to the reconsideration motion brought by defendant RSA Network, Inc.

ODEGAARD DECL. IN SUPP. OF RESP. TO RECONS. MOT.- 1
333999.0074/5136083.1

LANE POWELL SPEARS LUBERSKY LLP
1420 FIFTH AVENUE, SUITE 4100
SEATTLE, WASHINGTON 98101-2338
(206) 223-7000

3 Attached to this declaration as Exhibit A is the modification of page 5-5 that
Evergreen is in the process of making. This sticker is being placed on the remaining inventory of
1098 copies of the fourth edition.

4. Evergreen intends to publish the fifth edition of the manual in late November 2011. ESC's procedures for updating our manuals include gathering input from the oversight committee as well as existing instructors and reviewing changes in the law. The fifth edition will use scale model photographs instead of the diagrams that RSA has claimed are infringing. Evergreen will start taking the photographs next week.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 20th day of July, 2011 in Seattle, Washington.


Tom Odegaard

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
CERTIFICATE OF SERVICE

I, Julie L. Dunham Kelly, hereby make the following Declaration from personal knowledge:

On July 22, 2011, I presented the attached document to the Clerk of the Court for filing and uploading to the CM/EFC system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following attorneys for defendant:

Blake T. Ostler
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s/Julie Kelly

Julie Kelly

Due to the potential of breakdown or over the road emergencies the following items are suggested:
(These items are not required, just best practice recommendations.)

Emergency repair supplies, such as:		
• Electrical or duct tape	• Extra headlight and taillight bulbs	• Flat tire inflator
• Fan belt	• 28" orange traffic cones	• Work gloves
• Motor oil	• Tarp	• Spare tire
• Antifreeze	• Jumper cables	• Rope
• Windshield washer fluid	• Automotive fuses	
• Tool box with basic tools (wrenches, pliers, screwdrivers, etc.)	• Reflective or retroreflective collars for traffic cones	
Other emergency supplies/equipment:		
• CB Radio and antenna	• Emergency supply of food	• Emergency blanket
• Emergency supply of drinking water	• Cold weather clothing	

Elements of this list were derived from the Washington Administrative Code (WAC 468-38-100); Pilot Car Escort Best Practices (a product of Federal Motor Carriers Safety Administration, Specialized Carriers & Rigging Association, and Commercial Vehicle Safety Alliance - 2004).

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